

John Balas

137 Applegate Lane

Drums Pa 19222

United States District Court For The Eastern  
District of Pennsylvania

John Balas, pro se

Civil Action<sup>#</sup>

v.

Dr. Stanish, Pam Smith

### "1983 Complaint"

#### "Jurisdiction & Venue"

- 1 This is a civil action authorized by 42 U.S.C. § 1983 to redress the deprivation under color of state law, of rights secured by the United States Constitution. This court has jurisdiction under 28 U.S.C. § 1331/1343. Plaintiff seeks declaratory relief under 28 U.S.C. § 2201/2202. 28 U.S.C. § 2283 and rule 65 authorize jurisdictional relief. This court has jurisdiction for Plaintiff's state claims.
- 2 This court is an appropriate venue under 28 U.S.C. § 1391 b. (2), because it is where the event given rise to the claims occurred.

## "Parties"

- 3 Plaintiff, Michael, John Balas, is a resident of Pennsylvania.
- 4 Defendant, Dr. Stanish, is a doctor. He was legally responsible for providing medical care for Plaintiff, for the operations of his/her's medical department, and the care and welfare of Plaintiff.
5. Defendant, Pam Smith, is a RN/CHCA. She was legally responsible for providing medical care for Plaintiff, for the operations of his/her's medical department, and the care and welfare of Plaintiff.
6. Defendants are sued individually and in their official capacity. At all times mentioned in this complaint, each Defendant acted under of color of state law.

## "Facts"

- 7 Plaintiff came under the care of Defendants in the year of 2019.
- 8 In the year of 2019, Plaintiff began to suffer excessive lower abdominal pains.
- 9 Plaintiff reported to Defendants with the pain of his abdominal section.
- 10 Defendants performed an ultrasound on Plaintiff and revealed, Plaintiff had a "hernia"
- 11 Plaintiff provided with a hernia belt, by Defendants and pain medication(s)

- 12 Defendants indicated to Plaintiff an operation is needed to correct the hernia,
- 13 Plaintiff suffered from an "inguinal hernia" where there was protrusion of (a) pieces of the intestine through an opening in Plaintiff's abdominal wall.
- 14 Plaintiff was at risk of the hernia extending into his groin, scrotum, and late enlargement of the hernia,
- 15 Defendants place Plaintiff at risk of intestine incarceration, strangulation, irreparable injuries, and death,
- 16 Plaintiff made cries to Defendants of being in daily pain, fear, and insufficient medications,
- 17 Plaintiff made requests for the operation to Defendants.
- 18 Plaintiff force to conduct daily ~~actives~~ activities in pain and suffering by Defendants
- 19 Defendants are(were) deliberate indifferent to Plaintiff poor and unsafe living conditions
- 20 Defendants delayed Plaintiff's serious medical care and denied Plaintiff adequate medical care,
- 21 Defendants are(were) deliberate indifferent to Plaintiff serious medical care where they delayed and denied adequate serious medical care to Plaintiff,

### Legal Claims

- 22 Defendants Smith and Stanish were deliberate indifferent to Plaintiff poor and unsafe living conditions, and constitute a violation to Plaintiff's rights that constitute cruel and unusual punishment under the 8<sup>th</sup> Amendment of the United States Constitution.
- 23 Defendants Smith and Stanish, were deliberate indifferent where they delayed and denied adequate medical care, violated Plaintiff rights that constitute cruel and unusual punishment under the 8<sup>th</sup> Amendment of the United States Constitution.

### Relief

- 24 Compensational damages \$ 3,000,000.00
- 25 Punitive damages \$ 4,000.00 on each Defendant.
- 26 Hernia operation, Defendants remove from their positions, refund of all medical co-pay.
- 27 Jury trial, recovery, and what this court deems just.
- I declare all above is true and correct under 28 U.S.C. 1746 on this        day of October 2020

151 Michael John Balas

Michael John Balas

137 Applegate Lane

Drums Pa 18222



M. Balas  
137 Applegate Lane  
Drums, PA 18222

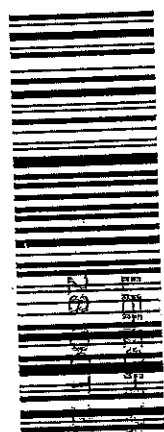
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Eastern District of Pennsylvania  
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